

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR06-308-JLR  
)  
Plaintiff, )  
)  
v. )  
) DETENTION ORDER - Material Witness  
ZAGARI SHUNTA MOORE et al, )  
)  
Defendants. )  
\_\_\_\_\_)  
In re Material Witness: )  
)  
MARIO SANTOS. )  
\_\_\_\_\_)

Offense charged:

Material Witness

Date of Detention Hearing: October 31, 2006

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Mr. Santos was arrested on a material witness warrant in the matter of US v Zagari Shunta Moore et al., CR 06-308, upon a finding that it was impracticable to secure his presence by subpoena. He made his initial appearance in this Court on October 26, 2006.

(2) The United States has moved to detain Mr. Santos pursuant to 18 U.S.C. §3144 for a reasonable period until his deposition can be taken pursuant to the Federal Rules of Criminal Procedure.

(3) The Bureau of Immigration and Customs Enforcement has placed a detainer on the defendant. Furthermore, according to the National Crime Information Center, there is an active administrative warrant for the material witness's arrest as a result of failing to appear for removal.

(4) The issue of detention in this case is therefore essentially moot, as the defendant would be released to immigration custody if not detained in this case. Defendant and his counsel offer no opposition to the entry of an order of detention.

(5) The court finds that further detention is necessary to prevent a failure of justice. The material witness will be detained until his testimony can adequately be secured.

It is therefore ORDERED:

(1) Defendant shall be detained pending the taking of his testimony and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with

counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the material witness to a United States Marshal for the purpose of an appearance in connection with a court proceeding or for providing testimony in connection with a case pending in this court; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the material witness, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 31st day of October, 2006.

  
Mary Alice Theiler  
United States Magistrate Judge